

PRICE 81 PENCE

LORD PALMERSTON ON OUR RELATIONS WITH AMERICA.

HOUSE OF COMMONS, 27th FEBRUARY.

MR. CORDEN then rose to ask explanations from the Government for the non-production of the correspondence respecting our relations with America. He said,—"I ask for these explanations because the answer given by the noble lord at the head of the Government to my inquiry the other night does not appear for reasons I shall explain founded exactly on fact. I asked the noble lord whether there would be any objection to lay on the table of the House the correspondence respecting our present relations with America? The noble lord stated, in reply, that the correspondence in neither of the cases to which my inquiry referred was quite completed, and on that ground he refused my appeal. Now, in order to make my observations the more readily intelligible, I must premise that, unhappily, there are two subjects of dispute existing at the present moment, and involving very serious and grave considerations between this country and America. One has reference to the Central American question of 1850. The House is aware, though the country, perhaps, is not, that in 1850 the English and American Governments entered into a convention, most benign in its object and somewhat novel in its character, for the purpose of guaranteeing the construction of a canal across the Isthmus of Darien. The convention began by expressing a hope and desire that it might have the effect, among other things, of promoting peace and amity between the contracting powers, and civilization throughout the world. The object of the convention was to enable parties to construct a ship canal through the narrow isthmus of Central America under a specific guarantee from the contracting Powers. The convention was intended to be elastic in its operation, for the contracting Powers contemplated inviting other Powers to join in the guarantee. Among other things it was provided that, in case of war, ships passing through the canal, or being within a certain distance of its entrance, should not be subject to capture or molestation. History scarcely presented an example of a convention being entered into for objects more commanding approbation. The convention was agreed to in 1850, not, owing to the unfortunate propensity of diplomatists to involve their sentences in phraseology which becomes unintelligible not only to others but to themselves, it seemed likely to be the cause of very serious quarrel between the two countries. His hon. friend the member for Dumfries had proposed in this House that there should be an examination of candidates for service in the diplomatic career, and I would suggest him to require one qualification—namely, that they should be able to write plain and intelligible English. In the present case this unfortunate disagreement seems to be the more unaccountable because both the diplomatists spoke the same language, whereas, had it been a convention between a German and an Englishman or a Frenchman and an Englishman, there might have been some excuse for the misunderstanding. From 1850 down to October in last year this convention had been the subject of correspondence between this country and the United States; and in October of last year a letter written by Mr. Buchanan to Lord Clarendon closed the correspondence, and in December on a meeting of Congress, the correspondence, so far as it relates to the American side of the controversy, was laid on the table of Congress; and I mention this because the noble lord says that the correspondence is not complete. I wish to separate this subject from that of the enlistment, in respect to which we are unfortunately involved in a dispute with America, and I hope the noble lord will give an answer in reference to this subject as distinct from the other. We have the correspondence published in the United States; it has also been published in England, and I hold in my hand a pamphlet containing it, published and purchasable in London for about one shilling. Nevertheless I cannot quote this correspondence, though it is discussed in the newspapers and made a topic of conversation in private. I can only bring forward a motion founded on documents before Parliament. The answer given to my question the other night by the noble lord was, that this correspondence was not complete; but he must have been in error in making that statement, because Lord Clarendon, in September, 1855, in his last letter to Mr. Buchanan on the subject, uses these words,—

"Mr. Secretary's Government had, indeed, refrained from pursuing the discussion by replying to Mr. Buchanan's note of the 24th of July, 1855, because it appeared to them that the continuation of the correspondence was not likely to lead to any satisfactory conclusion; and as Mr. Secretary's Ministers are still of that opinion, the Government will confine his answer to those which Mr. Buchanan has prescribed to himself."

Mr. Buchanan also, in last October, assents to Lord Clarendon's statement that the correspondence is concluded. He says,—

"While far from intending to renew the general discussion of these questions, which has already been exhausted, the undersigned, in passing, would make a single observation, &c."

Moreover, it was Mr. Clayton himself, a party to the treaty, who in moving, in the American Senate, that the papers should be printed, stated that the correspondence was concluded. If I wanted a conclusive proof that the correspondence was concluded, I should find it in the fact stated by Lord Clarendon in the House of Lords that the subject matter of dispute had been offered to be referred to arbitration, thus plainly admitting that the discussion is absolutely at an end. I, therefore, think that this House ought not to be wholly unacquainted with the nature of that correspondence, and I hope that no noble lord will object to its production, or, if he does, that he will give some other ground for his objection than that alleged the other night. The other dispute is one of more recent date. Last year we sent emissaries to America to enlist men for our Foreign Legion. Now, I should like to know who were those individuals who, sitting in council, and being a great deal of men to fight this battle which we were told England was able to fight against all the world, sent to the United States men to fight against the Russians. Why, a stream of human labour going from the East to the West every year amounts to 300,000 or 400,000 human beings. We ourselves send from 100,000 to 150,000 men annually to America, to seek their fortune by the superior remuneration labour, and I should have thought it as likely have rolled back the seasons or to have med the river in its course as to send to the United States to find able-bodied men, where they are earning 4s. or 5s. a day each, to fight us in a semi-barbarous region for about 1s. a day. It was so absurd and foolish a project that should like to know who are the parties responsible for it. We have no correspondence published on this subject either here or in

America; therefore I only go on common rumour, and on what was admitted by Lord Clarendon in another place. It seems that, on remonstrance from the United States, we admitted our error and countermanded our orders, withdrawing our enlistment establishments not only from the United States, but from our own North American colonies. In this respect our attitude and apology were most honourable. I do not know the terms of the apology, but I am told that the apology, when made, was considered satisfactory. But I am told that that another transaction took place, not in violation of American law, but in evasion of it, which has re-opened the grievance. I do not know how this is, for we have no official information before us, and I only state what I am given to understand is the fact. All I wish to point out to the House is, that our Government has admitted itself to be in error. We are in the wrong, and when we have admitted that to be the case, whether we make reparation in one form or another does not appear to me to be of any great importance. If you read on a man's toes, it does not very much matter whether you say to him, "I beg your pardon," or "I beg a thousand pardons." That never would be a point on which any sensible man would go out to fight. Let it be borne in mind, then, that we are, by the confession of our own Government, in the wrong, and, as we stand responsible in the name of the country for the acts of our Government, I think it would be well if we had this correspondence laid before us, even if it is not completed; and for this reason—I am inclined to suspect that this question has assumed very much of a personal character, that it has been enveloped and embittered in the course of the protracted correspondence; and I think, therefore, that if it were taken away from the Foreign Office, and discussed in the country or in this House, there would be displayed such a magnanimous feeling on the part of the people and of the members of this House that the quarrel would be at once put a stop to. There has been a talk of arbitration in the other subject of dispute, and I believe we should find some such mode of settling this question in the most honourable and satisfactory manner. In private life, in quarrels on matters of etiquette, it is not the usual course for the person who has committed the wrong to fix the reparation. Seconds are called in, and they decide what shall be the apology to be made; and if this question were brought before the House, I have to doubt we should find out—means of escaping from the difficulty. Besides, the country would be much more at ease, if the subject were discussed by us, and there would be an end to that alarm and apprehension which now exists among the mercantile community lest every fresh packet should bring intelligence that Mr. Crampton has received his passport and is on his way home. At all events, I am quite sure that nothing will be gained by allowing these matters to remain veiled in the secrecy of the Foreign-office. We have got into one war by the system of secret diplomacy, and we may get into another in the same way. "Where there is darkness there is danger" is as true in politics as in the material world. This second dispute about our attempts at enlistment, be it remembered, is more imminent than the first. I do not know whether the noble lord intends to lay before us the papers relating to this part of the subject; but if he refuses, on the ground that the correspondence is not complete, I am at a loss to see how we are ever to get any more papers on any subject, for it was only last night that he declined to produce the papers relating to the case of Mr. Curtis, our consul at Cologne, on the ground that the correspondence was closed and the whole matter finally settled. If he now refuses to give up these papers, on the ground that they are not completed, he will invest himself with the entire responsibility; for if we are not to have the correspondence, either before or after it is finished, what hold can the country have upon the noble lord and his Government? This question of our relations with the United States would, I think, be much safer in the hands of the people and of this House, than of the Government of the press. If there be a war between us and the United States, it will not be a war upon which the people will enter with a willing spirit; if there be a collision, it will be provoked either by secret diplomacy or by the exasperating language of the press of this country. What has been the language of the Ministerial journals on this subject? Almost the first thing we heard of this dispute was from an article in *The Times* newspaper in November, which told us, to our astonishment, that we were ready to go to war with America, but that we should still "hold our hand on the throat of the Northern despot." Within the last fortnight, too, I have seen similar language in the *Morning Post* and in *The Times*, which are the journals supposed to represent the opinions of the Ministry. I must say, though I have watched the language of the American journals with considerable interest, I have seen no such language in them as has appeared in the *Times* and the *Morning Post*. True, the journals of England generally have not taken that hostile course, but those journals which represent the Cabinet will be taken in America to represent a large portion of our people. I am anxious, therefore, that we should not be the only persons in the country who are not to discuss this subject. I desire that we should be, in fact, the pulse of the nation in this question, as we are on any domestic question in which the people feel interested. I can hardly view as possible so great a calamity, to both countries and to the world, as a hostile collision between England and the United States (hear, hear), and yet we are talking about it daily in the press, we are speculating about it in private, and the Government, in their correspondence, is bringing us to a dead-lock which will take away all chance of escape. A war between this country and America, on whichever side success might rest, would be the most horrible, the most inhuman calamity, even to the victor, which could possibly happen. Were we to succeed, it would be very much like destroying our own offspring, and were America to crush England, it would be little better than paricide. I hope, therefore, that we shall not be afraid to approach this question, that we shall not refuse to understand what it is we are quarrelling about, but that we shall call for the papers and show the country that we are prepared to deal fearlessly and honestly with the issue which will be laid before us. (Hear, hear.)

Lord Palmerston: In answering the hon. member, I shall observe that distinction between the two questions involved in this matter which he has himself drawn, and which he has recommended to me. And first, then, I will deal with the question of Central America. The hon. gentleman is perfectly correct in saying that the treaty of 1850 was a treaty honourable to both parties, and which had in view objects that could only conduce to the improvement of commerce and the extension of civilization in every part of the world. It is well known that great interest was excited upon the subject of the opening of a ship canal through the Isthmus

of Darien between the Atlantic and the Pacific. Jealousies grew up between England and the United States, each supposing that the other had some exclusive object in view, and meant by some means or other to establish itself to the prejudice of the other, either at one end or other of the canal. The object of the treaty concluded by my right hon. friend Sir H. Bulwer with Mr. Clayton was to remove all possible cause of jealousy upon that point, and the provisions of that treaty were calculated to accomplish that end. The project of cutting a ship canal between the two oceans has, however, been found liable to physical difficulties, and practically, therefore, that part of the arrangement has ceased to have any immediate application. But there were further provisions in that treaty by which, in order entirely to do away with the jealousies which each of the two countries entertained of the views of the other, both countries disclaimed any intention to appropriate any territory in Central America, or to colonize or obtain any possessions therein. There was an exception made, however, with respect to possessions which we had already there—Belize and its dependencies—and with respect to certain duties of protection which had been performed by us for a long course of time, and which were at that moment existing. I do not think myself that the treaty is liable at all to the criticism which the hon. gentleman has passed on it. It seems to me that the words of the treaty are plain and its meaning perfectly obvious, and I really do not see that any other construction but that which we contend for can be put upon it. The treaty was prospective, and not retrospective in its operation. At the same time the American Government has endeavoured to establish a different construction, and a long correspondence has taken place between our Governments on the subject. We contend for our construction, and the American Minister contends for a different one. We have stated, however, that notwithstanding that we are perfectly convinced that our interpretation is the just one, we are ready to submit the question to the arbitration of any third Power. (Hear, hear.) To that offer we have not yet been able to obtain an answer, and so the question now stands. I did say, the other day, in answer to the hon. member, that I did not think the correspondence sufficiently closed to be laid before Parliament, but upon referring to the state of the correspondence I feel that we shall be perfectly prepared to produce it, and I am quite ready to lay it on the table at once. (Hear, hear.) It is not technically closed, but I think it is sufficiently closed to be laid before Parliament for the purpose of shewing what are the views of the two Governments on the points at issue. The other subject of dispute relates to our Foreign Legion. When the Act was passed, a little more than a year ago, which enabled the Crown to enlist foreigners, it was represented to her Majesty's Government that there were in the United States a considerable number of Germans who might be disposed to enlist in the military service of this country. The hon. member seems to think it a moral and political absurdity to expect that the tide of emigration which has been setting from East to West can, with regard to individuals, turn back and flow from West to East; but he must know, or at least he ought to know, that in point of fact that tide has already commenced (hear, hear), and that in regard to Ireland hardly a month or two weeks passed that a certain number of individuals who have emigrated to the United States do not return to their native land, either having amassed what they consider a competency, or, on the other hand, having been disappointed in their expectations. It was not for us to judge beforehand whether any considerable number of Germans would be willing to enlist, and orders were therefore given to establish a recruiting depot within our provinces, with instructions that any persons capable of service that might present themselves for enlistment should be enrolled. At the same time strict and specific orders were given that nothing should be done which should infringe the municipal regulations of the States or violate the law of the Union. Several hundred of Germans went to Halifax and enlisted, and some of them are now in this country. Her Majesty's Government, however, very soon found that it would be exceedingly difficult in carrying out this enlistment to avoid the which might cause offence to the American Government, and, being most anxious that nothing should occur which could give umbrage to the United States, we issued orders that these proceedings should be entirely discontinued. (Hear, hear.) Soon afterwards an official representation was made by the Government of America, complaining of the enlistment. The answer given to that was that, anticipating that they might take umbrage at the proceedings which had been commenced, her Majesty's Government had of their own accord ordered that they should be discontinued. In giving this answer we expressed our regret for anything which might, contrary to our intentions and instructions, have been done in violation of their laws, though we were disposed to think that no such violation had occurred; and referred, as a proof of the sincerity of such regret, to the fact that we had of our own accord stopped the proceedings of which the American Government complained. (Cheers.) The hon. gentleman (Mr. Corden) has said that the relations of Government should be regulated by those rules which apply to the conduct of gentlemen towards each other; and I would ask, what could be more satisfactory as between gentlemen and gentlemen than that one should say to the other, "I thought I foresaw that what my servant was doing might give you reason for complaint, I have stopped their proceedings; but, nevertheless, if they have contrary to my instructions, do anything which you have reason to find fault, I beg your pardon; I am very sorry for it, and express my regret." (Cheers.) When the communication to which I have referred was made to the American Minister in London, he expressed himself satisfied with the explanation (cheers), and said that he felt confident that his Government would entertain a similar feeling in regard to it. For some time we heard nothing more. Subsequently, however, complaints were renewed, the question was reopened, and a correspondence has gone on upon this subject. Three days before that on which Parliament met I thought that we should be able to lay that correspondence on the table of the House. There was nothing in it which we could wish to conceal; on the contrary, we were anxious that it should be in the hands of members. On the very day before the meeting of Parliament, the American Minister presented to my noble friend Lord Clarendon an exceedingly voluminous despatch, containing a long recital of circumstances alleged to have occurred in connection with this enlistment. My noble friend felt that it would be impossible to answer that despatch in a manner consistent with the respect which ought to be shown to the government of America, and with a due regard to the character of the British Government, without referring to Her Majesty's Minister at Washington for a report upon

upon which the information possessed by the Foreign-office was imperfect. This circumstance necessarily delayed the reply to the despatch of the American Government, and the matter therefore stands thus:—If the correspondence was to be produced now, it would end with a long paper from the United States' Government, to which no answer has yet been given, because the materials on which such answer must be founded have not yet been received. (Cheers.) It would not be fair to the American Government to omit from the correspondence this last paper, which they would not have sent had they not considered it an important one; and, on the other hand, it would not be fair to the British Government to give that statement without giving also the reply to it. (Hear, hear.) I hope that no long period of time will elapse before we are able to close the correspondence by giving an answer to that paper; and I can assure the hon. gentleman and the House that when that has been done, we shall be most ready and most anxious to lay the papers upon the table. (Cheers.) I quite agree with the hon. member that this matter is of the utmost importance in its bearing upon the interests of the two countries. I fully concur with him in thinking that there could hardly be any conflict between two nations which would be more lamentable and calamitous to both than would be a contest between ourselves and the people of America. (Hear, hear.) I say to both nations, because, though we should suffer severely, depend upon it that those with whom we deal on the other side of the Atlantic would suffer quite as much. It would, indeed, be painful if in these days two nations, bound together by so many ties of common origin and common interests, should go to war with each other without some real and unavoidable cause. (Hear, hear.) I cannot think that in the present case there is a real and unavoidable cause. (Cheers.) I cannot but think that, if the same spirit of fairness and conciliation be exhibited by both parties, an adjustment of the differences may be arrived at, which will be compatible with the honour of both nations. (Cheers.) I can assure the House that, on the part of her Majesty's Government, nothing consistent with a due regard for the honour and character of this country—which I am sure no one would wish to see disregarded—shall be omitted in order to bring about such a result. Nothing that a gentleman might do in a matter of private honour shall be omitted for the purpose of avoiding a collision which would be a reproach to both nations. I need only add that the correspondence which is completed I will lay upon the table, and that, as soon as the other is completed—which will, I trust, be before long—it shall also be laid before the House. (Cheers.)

Sir D. L. Evans said that, after the speech of the hon. member for the West Riding, the reply of the noble lord must have been heard with great satisfaction. If international affairs were to be discussed in the spirit in which this matter had been treated by the hon. member, he had much rather leave them in the secrecy of the Foreign Office. The hon. member had said that we had drifted into the war with Russia. In his (Sir D. L. Evans's) opinion, one cause of that war had been the too frequent and exaggerated expression of hostilities; and he was afraid that, in the present instance, the exaggerated expression of a similar feeling would rather encourage party feeling on the other side of the Atlantic than conduce to a just and proper settlement of the difference. With regard to the enlistment in the United States he agreed with the hon. member for the West Riding. It was a most remarkable and inconsistent proceeding. He had been assured on good authority, that persons of the highest respectability, gentlemen having seats in the Legislature, had offered to raise in Canada two regiments of 1000 men each, to serve in the Crimea, the only condition being that these regiments should be called the "Royal Canadian Regiments," or something of that sort. He believed that Sir Allan M. Nab, the President of Council in Canada, who was in England at the time, had arranged the matter, but that some red-tapism of the House Guards intervened, and it was entirely dropped. This occurred several months ago; and it was after neglecting to avail themselves of the men who might thus have been raised within our own frontier that the Government sent persons into the United States to recruit, and provoked this absurd and ridiculous controversy.

The motion for the adjournment of the House until Monday was then agreed to.

THE LIFE PEERAGE.

THE circumstances of Sir J. Parkes having been appointed a peer for life only, has created considerable excitement in the House of Lords. We abstract as much of the discussion as will put our readers in possession of the facts and opinions in the case.

HOUSE OF LORDS, FEBRUARY 7.

The House of Lords met yesterday at 5 o'clock. Lord Lyndhurst moved that the letters patent purporting to create Sir James Parkes a Baron of the United Kingdom for life be referred to the Committee of Privileges, with directions to consider the same and report thereon. The motion, his Lordship said, was of great importance, as it brought forward for the consideration of the House a question of great public interest, and one which had been recommended for promotion to the judicial bench, and whose abilities and impartiality as a judge he warmly eulogised. The position he laid down was, that no instance had occurred in the history of this country for 400 years of any commoner being raised to a seat in the House of Peers by letters patent creating only an estate for life. There had been a few cases of creation of barons for life, but they were marked by peculiar circumstances, and to make them the foundation of a change in the character of the House and the custom of Parliament was a gross violation of the Constitution. He cited several of these cases, showing that they differed essentially from the present creation. One was that of a foreigner, who could not sit in Parliament; others were baronies without the right of sitting. He urged, also, as an objection to these cases as precedents, that they occurred in times of civil war and confusion, before the constitution of England had been formed and settled. Coming to a later period, he referred to the peerages for life created by Charles II., some of them in favour of his mistresses, and others by James II. and the first King of the House of Hanover, arguing that the circumstances under which these dignities were bestowed were not such as to render them precedents for the creation of a peer of Parliament. (Quitting the more strictly legal view of the question, Lord Lyndhurst proceeded to show its impolicy. It would divide the House of Peers into two parts,—the peers by descent and the peers for life without succession, and remove the great check to an arbitrary

creation of peers for any purpose of the Crown, which was provided by the hereditary principle of the Upper House. He denied the necessity for increasing the number of the law lords, on which the elevation of Sir J. Parkes had been advocated. "Write of error were of rare occurrence, and on important points of common law the House had the power of summoning the twelve judges to assist it when sitting on the supreme court. He contended that no class of men had done more to build up and defend the constitution of the country than members of the legal profession, and it was invitations to place them below those who were rewarded for other kinds of public services.

Earl Granville acknowledged the vigour and ability of Lord Lyndhurst's speech, but contended that he had mixed up the questions of prerogative, right, and expediency, while he had never ventured distinctly to deny the legality of the creation of a peerage for life. Lord Granville believed that the measure was more opposed by the law lords than by other peers. In 1831 a life peerage was offered to an eminent judge, who declined it, alleging he was too much occupied to attend the hearing of appeals. But the real reason was that an elevation to the peerage for life was unpopular with his legal brethren, and he would not be the first man to be an example of it. The cases cited by Lord Lyndhurst from the reign of Charles II. and the first years of the Georges did not bear closely on the question, but they rather strengthened than weakened the arguments in favour of the patent, founded on the rights of the Crown. Lord Granville quoted several authorities of recent date to prove the perfect legality of the creation of peerages for life—among them an admission by Lord Campbell. In fact, the legality of such peerages had never been disputed; and, being in this case expedient also, it became constitutional. Some accession of strength to the judicial portion of the House was absolutely required to maintain its efficiency, and there were grave objections to creating hereditary peerages, without ample means of supporting them. The proposal to refer this point to the Committee of Privileges was unusual, and, feeling as strongly as any one the wish to uphold the honour and dignity of the House, he would advise it to reject the motion.

Lord St. Leonard's supported the motion, because, by a creation of peerages for life, the character of the House would be totally altered, and he strongly urged the Peers to maintain inviolate the hereditary principle. He cited a great number of cases, through a long period of history, to show that a patent creation for life is illegal. The Lord Chancellor thought the House, in referring this question to the Committee of Privileges, might inadvertently destroy another principle and trench on the prerogative of the Crown. It was a matter on which the House had no power or jurisdiction; the question could not come regularly before it, unless some heir of Lord Wensleydale hereafter claimed a right to a writ of summons to Parliament; it would then be for the House to examine the patent of creation, and decide whether he was so entitled to be summoned or not. He declared confidently that a patent for life was perfectly legal, quoting Lord Coke in support of his opinion, and that authority had been endorsed by Sir Matthew Hale and every great lawyer of more recent times. He strongly objected to the legality and expediency of the creation being mixed up in one motion for reference to a committee. It was very desirable that high legal talent should have free access to the Legislature than had been the case of late years. Such talent was required; but the expense of an hereditary dignity was an obstacle to obtaining it. The only mode of removing that difficulty was by a grant of public money. But would that be thought advisable? A right that it was admitted had not been exercised for 400 years was not likely to be abused to the deterioration of the House. The real check to a misuse of the power was not the denial of the right, but in that enlightened public opinion which would render its abuse impossible.

Lord Campbell said the change about to be introduced in the constitution of the peerage was greater than that effected in the House of Commons by the Reform Bill, and it was to be made without the knowledge and assent of the peers, by a simple act of the Crown. Previous to the present period since which centuries had elapsed, the only practicable mode of raising a peer was by the creation of a peerage. The only nobleman of the present age who had arisen since the English constitution had settled into its present form. Several of the precedents referred to by previous speakers Lord Campbell again noticed, to show that the creation of a peer did not necessarily confer a seat in the Legislature. As the House of Lords fully represented public opinion, a change in its constitution was not required. He did not think any addition to the law lords was called for; on any point of difficulty or importance it had the power of summoning the judges to assist it by advice. He protested against a step that would be unjust to lawyers as a class, unless the principle was extended to other professions. It would be a precedent for depriving future Lord Chancellors and Chief Justices of peerages for life, and to that he could not consent.

Earl Grey thought the question had been unduly exaggerated; it was not a total change of the constitution of the House; he believed the character and influence of the House would not be lowered by a more frequent creation of peerages for life. Eminent members of the House of Commons and of the House of Lords might be called upon to assist in the public service; might fitly be so rewarded. Confining the access to the peerage to the one avenue of an hereditary dignity, only to be supported by large fortunes, was really an exclusion of talent and merit. He warned the House against referring the question to a committee of privileges, which was a committee of the whole House. It could not decide the point; if it could reject the patent, the House could not refuse a writ of summons; as far as the seat in that House was concerned, the patent was a nullity; presenting himself with a writ of summons from the Crown, Lord Wensleydale must be admitted. He deprecated any collision in this question with the Crown, backed by the House of Commons.

The Earl of Derby contended that the patent for life involved an organic change in the whole constitution of the House, and that in referring it to the committee of privileges they were taking the most moderate and practical course. Any change in the constitution of the House should be made by a distinct law, not by a mere act of the Crown. In the hands of an unscrupulous Minister that power of the prerogative would be fraught with danger to the independence of the House; and if the principle were carried out to all its consequences, the hereditary peerage would be sacrificed to the hereditary monarchy. He fully concurred in the motion.

The Duke of Argyll alluded to the plan for swamping the House of Peers in 1832, to prove that there was as much danger from the un-

disputed power of the Crown to create hereditary peerages as from the right of creating them for life. The denial of that right might in times of agitation lead to a reckless use of the larger powers.

Lord Brougham explained the part he took in the transactions of 1832, and declared that life peerages were inexpedient and incompatible with the safety of the constitution.

The House then divided—

PRESENT.	
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Majority	7

The motion therefore was carried.

The House then adjourned, at a quarter to 3 o'clock.

HOUSE OF LORDS, FEBRUARY 8.

The House of Lords met yesterday at 5 o'clock.

Earl Grey, in the absence of Lord Lyndhurst, asked Lord Campbell what course it was intended to take with regard to the Committee of Privileges to which the House had decided the patent of the Wensleydale peerage shall be referred, and when it was proposed the House should go into committee.

Lord Campbell could not answer the question, but expressed a hope the Government would render the committee unnecessary by recommending Her Majesty to grant to Sir J. Parkes a new patent of creation, with remainder to his son and heirs male. This would put an end to all agitation on the subject.

The Earl of Derby concurred in the suggestion, and trusted it would be adopted, in order to avoid a conflict on such a question, as the prerogative of the Crown.

The House then adjourned.

HOUSE OF LORDS, FEBRUARY 12.

Lord Lyndhurst moved that the House do resolve itself into a Committee of Privileges; which was agreed to.

The Lord Chancellor having quitted the woolsack, Lord Redesdale, as Chairman of Committee, took his seat at the table.

Lord Lyndhurst then rose and said,—My Lords, I was asked last evening by my noble and learned friend, and by a noble earl, whose course I intended to pursue in moving for this committee. I declined then to answer these questions, because I thought it might lead to unnecessary discussions, and also because I thought it quite obvious to all persons who had paid any attention to the proceedings of similar proceedings that there was only one course which could possibly be pursued. I laid down these propositions:—1. I first stated that the force and obligation of long continued usage was one of the principles of our constitution, particularly that part which relates to the privileges of Parliament. I further stated, that for the last 400 years no instance had occurred in which a commoner had been called up to this House to take his seat by virtue of a patent creating merely an estate of dignity for life. I consider that two or three solitary instances, occurring at a remote period, in turbulent and very disorderly times, before the constitution had assumed anything like its present shape or character, and before the Petition of Rights in the reign of Charles I., and more especially before the Bill of Rights at the period of the Revolution, would not justify an attempt to alter the hereditary character of this House, and that any attempt to do so would be inconsistent with the principles of the constitution. The course, therefore, which I am now about to pursue is to prove and establish the facts which I then stated, and to call to your lordships' bar witnesses to produce the records referred to in support of that argument; and I shall further request that the records, or those necessary for the elucidation of the subject, be laid on the table of the House, and that they be translated and printed for the use of members of this committee and of the other House of Parliament. My lords, I have further to state, as far as relates personally to myself, it is a little hard upon me, sitting for many years in your lordships' House, that the labour of searching into details should fall upon myself (hear); I think it is particularly hard when I consider that the noble and learned lord opposite has a host of papers. I do not like to give them the designation which they usually bear in the profession (a laugh), but I will call them myrmidons—employed for the purpose of this kind, who could have saved me all the labour of detail necessary for the elucidation of the subject. Having said this, I shall call a gentleman from the Tower, who will produce some of the records.

Lord Campbell, before his noble and learned friend called any witness, submitted to their lordships that, according to principle and custom, notice should be given to his right hon. friend the claimant under this patent, who had an undoubted right to be heard. According to precedent in the Brandon case, notice should be given to his right hon. friend, that he might appear by his counsel. He was anxious their lordships should not suppose that they were to proceed without giving to that right hon. person the right to be heard, but upon inquiry he found that a motion that his right hon. friend should be heard must be made in the House, and not in committee. When their lordships resumed, therefore, he would make that motion, that the right hon. claimant might appear by himself or by his counsel.

Lord Lyndhurst.—I ought to have added, that I shall produce extracts from the journals to satisfy your lordships that the course which I am now about to pursue is the correct one—a course quite consistent and in accordance with Parliamentary usage from the earliest time.

Earl Granville wished to know what petition of the right hon. claimant the noble and learned lord referred to?

Lord Campbell explained that he had not noticed any petition in this instance. He had said that his noble and learned friend ought undoubtedly to be communicated with. He had sat for 30 years with the judges as a judge upon the bench, and he ought to be permitted to sit on the woolsack, and speak from the woolsack when he appeared here to assert his claim.

Lord St. Leonard's said, it was quite right that his noble and learned friend should be heard. He did not rise to object to the motion which his noble and learned friend (Lord Campbell) proposed to make, but he wished to call attention to what had taken place in the Brandon case. In that case counsel were heard at the bar for three parties—namely, for the claimant, for the Crown, and for the House of Commons. In this instance was furthering the claim of the claimant, and the House was refusing it, so that the claim was not watched in the ordinary way, on the part of the Crown, by the Attorney-General, to see that no improper

person obtained a seat in their lordship's house.

Lord Campbell said, that would be matter for future consideration; but on the fairest principle, the claimant ought to be heard.

Lord Redesdale then put the question, that the Keeper of the Records of the Tower be called to the bar, which was agreed to.

On the motion of the Earl of Derby, it was ordered that Lord Lyndhurst do examine the witnesses sitting. (Cheers.)

Mr. H. G. Sharpe, assistant-keeper of the Rolls Chapel, then appeared at their lordships' bar. Lord Lyndhurst: Do you produce the patent of Gouhard d'Angle, who was created Earl of Huntingdon in the 1st of Richard II.?

Witness: I do.

Lord Lyndhurst: Will you read it from the witness stand?—I mean that portion of it which relates to the limitation of the title?

The witness then began to read from the original record, but finding some difficulty in doing so, he observed that the parchment was stained, and that the light was very bad.

Lord Lyndhurst: Has not this been printed?

Witness: It has.

Lord Lyndhurst: Will you read it from the print?

The witness then proceeded to read the Latin record, which recited the style and dignity of the Earl of Huntingdon, and declared that it was conferred upon him *totum iura sua durante*.

Lord Brougham:—When was it dated?

Witness:—In the first of the reign of Richard II.

Lord St. Leonard's presumed that the whole of the documents and extracts would be printed for the use of both Houses of Parliament.

Witness:—The whole of the documents have been printed.

Lord St. Leonard's was aware of what the witness had stated; but unless they were printed expressly for the use of the two Houses, noble lords would have to go and ransack the library for them.

Lord Lyndhurst:—I now call upon the witness to produce a record dated the 9th of December, in the reign of Richard II., creating Robert de Vere, Earl of Oxford, Marquis of Dublin, and Duke of Ireland.

Mr. Sharpe produced the patent and proceeded to read it, but with such rapidity and in so indistinct a tone of voice that

The Earl of Ellenborough observed, that if the witness were reading English their lordships could not understand him, but, as he was reading Latin he should read slowly and clearly, that their lordships might be able to hear and understand him too.

The Lord Chancellor said, that those noble lords who were in the habit of attending Committees of Privilege knew that a witness who produced records was never called upon to read them, but merely to hand them in. In this instance it was a waste of time, as they were already accessible to their lordships. He did not trust the committee would feel that this was a matter which ought to be proceeded with with the utmost rapidity. His noble and learned friend (Lord Wensleydale) had met with an accident—an attack of the gout—but there was reason to believe that before the end of the week he would be in town, when he would present himself with her Majesty's writ and demand admission to his seat in that House. It was therefore desirable they should proceed with the greatest rapidity through the committee.

Lord Campbell perfectly agreed with his noble and learned friend that the committee should proceed with the inquiry without any unnecessary delay; but he begged to say that, if his right hon. friend who under this patent would be called Lord Wensleydale, should appear at the bar, he should move that he be not admitted into their lordships' House until the Committee of Privileges had made a report upon the question referred to them. The noble earl, the President of the Council, had on a former occasion said that no such attempt would be made until a Committee of Privileges of their lordships' House had had an opportunity of deliberating and considering and of exercising its undoubted jurisdiction by inquiring into the matter. His noble and learned friend (the Lord Chancellor) must know that the writ, accompanied by a patent, had no validity unless the patent itself was good.

The Lord Chancellor said, he must dissent from that proposition. He might be quite wrong, but it was his opinion that, whether there was a valid patent or no patent at all, when a person appeared at their lordships' bar with Her Majesty's writ they were bound to obey it.

Lord Brougham said, he would not at this moment enter into what appeared to be an emergent matter of law, but he would merely state as a matter of fact with respect to his right hon. friend, or he might call him Baron Wensleydale, and who was confined with a serious fit of the gout at some 40 or 50 miles' distance, that his intention was to come to town as soon as the gout would allow him. (Laughter.)

Lord Campbell hoped due notice would be given of any attempt on the part of the noble earl to take his seat.

The Lord Chancellor was sure the noble earl would do nothing without giving full notice. It would be from no intentional disrespect towards their lordships if Lord Wensleydale attempted to take his seat; but of course the noble earl had his own idea as to what his rights were, and would not be *rebus in curia* without presenting himself to demand admission.

Earl Granville had certainly stated on the first night of the session that the noble and learned baron whose case was now in question would not wish to take the House by surprise; but he had given no sort of pledge that, because the House chose to refer this subject to a committee, which he believed incompetent to decide it, the Queen's prerogative should remain in abeyance all the time—it might be for the whole session.

Lord Campbell had certainly understood the noble earl to say that no attempt would be made to procure the admission of the noble earl until the Committee of Privileges had come to a decision.

Lord St. Leonard's could not help rising to speak upon the very important question raised by his noble and learned friend (the Lord Chancellor). His noble and learned friend insisted upon it that if the Crown issued a patent, as in this case, confined to a life dignity, and accompanied by the usual writ of summons,—upon that patent (however invalid it might be) being brought to the table of the House and read, their lordships could not refuse to receive the noble person producing it, because he had received a writ of summons from the Crown, and had a right to a seat in virtue of that writ of summons. Now, let their lordships consider for a moment the difference between an ordinary writ of summons accompanied by a patent, and a writ of summons founded upon a patent. If the writ of summons were general, their lordships knew, from what

was the case in the earliest periods of our history, what the effect was—namely, that the noble person who brought it came here and sat by virtue of it, without a single word about descendent quality; and that it at once gave him a seat in the senate, at the same time ennobling his blood to the extent of his lineal heirs. But how was this consistent with the case of the present claimant, who came here with a patent conferring only a life estate? The noble baron would tell them that the last thing he would wish for would be to claim an hereditary dignity. But in the way in which his noble and learned friend put it, the writ would imply in itself an hereditary dignity conferred by the crown, and the result would be that after the learned baron had taken his seat, the dignity, in case of his death, would descend to his daughters. But the Crown in those days was not in the habit of granting a patent extending to females. So much did the practice incline the other way that, in point of fact, all patents were now confined to his male. Nothing could be more clear to his mind than the distinction he never drew, and he apprehended that there never was a greater fallacy than that uttered by his noble and learned friend when he confounded the one case with the other. He was perfectly certain that if the noble earl came here with any other patent than one making the dignity descendible to his heirs male the opinion of the House must be taken upon the subject. Independently of the principle involved, there was the Brandon case to guide their lordships, in which the House, after a long debate, conducted in the presence of the Queen, decided in the negative upon the right of the claimant to sit as a British peer upon the patent granted to him. That noble person did not take his seat, and he apprehended, therefore, that precedent was directly opposed to the right now claimed.

Earl Grey thought their lordships' course of proceeding was becoming very irregular and very inconvenient. The noble and learned lord (Lyndhurst) had moved that a witness should be examined, and in the middle of his evidence there had arisen a debate upon the most difficult points on which they were ultimately to decide, while at the same time they were in possession of no information, and had no question before them. He was sure it had been the object of all their lordships to expedite this business as far as possible, and therefore, instead of bringing the committee together to hear a quantity of Latin, with which persons must be more familiar than he was if they could follow it, he would suggest whether, as the documents were being read at the bar had all been printed by public authority, and were formally in possession of the House, their lordships would not do well to appoint some learned person to assist the noble and learned lord (Lyndhurst) in examining these documents. Such extracts as he might consider desirable would then be printed and laid before the House, and then let the noble and learned lord move some distinct resolution upon them, and call upon the committee to decide the question. (Hear, hear.) He had never (as their lordships knew) been very sanguine of the success of the course of proceeding now being adopted, but if the suggestion he made were acted upon they might possibly arrive at some conclusion.

Lord Brougham joined the noble earl in regretting that they had been drawn into this irregular argument—an argument very important, but altogether premature. He approved the suggestion made by the noble earl that for the purpose of facilitating their proceedings, as well as making them more useful and more speedy, his noble and learned friend should have the assistance of competent persons in selecting and presenting these documents. It was perfectly well known that there were several individuals who were expert in inquiries relative to what was called peerage law, and their aid might be conveniently and profitably called in on the present occasion.

Lord Lyndhurst said the document in the hands of the witness might have been read twenty times over while this discussion had been going on. He wished to know whether the Lord Chancellor approved the suggestion just made?

The Lord Chancellor said that it was for the committee to sanction the course proposed; but he, on his part, would not offer any objection to it.

Lord Brougham would suggest to his noble and learned friend to move that Mr. Fleming be associated with him to assist him in the performance of the task which he had undertaken.

Lord Lyndhurst said, that having undertaken the duty which he had, he was willing to carry it out, but he thought that some of his noble and learned friends in that house ought to be associated with him.

After some further conversation, it was agreed that the documents from the Tower, referring to the patents of life peerages, should be handed in by the witness without being read, in order that they might afterwards be printed, translated, and extended for the information of their lordships, and the following documents were handed in accordingly:—

Rot. Cart. 1 Ric. II., No. 29, containing the creation of Gouhard d'Angle Earl of Huntingdon.

Rot. Parl. 9 Ric. II., n. 17; Rot. Cart. 9 and 10 Ric. II., n. 13, and 10 Ric. II., n. 2, containing the creation of Robert de Vere Marquis of Dublin and Duke of Ireland.

Rot. Parl. 18 Ric. II., No. 21, containing the creation of Duke of Lancaster Duke of Aquitaine.

Rot. Cart. 21 Ric. II., No. 22, creating Margaret, Countess of Norfolk, Duchess of Norfolk.

Pat. 2 Hen. V., p. 1, m. 36, was the creation of John of Lancaster Earl of Kenil and Duke of Bedford.

Pat. 2 Hen. V., p. 1, No. 36, with the creation of Humphrey of Lancaster Earl of Pembroke and Duke of Gloucester.

Rot. Parl. 2 Hen. V., p. 1, m. 8, with the creation of Richard of York Earl of Cambridge.

Rot. Parl. 4 Hen. V., m. 11, creating Thomas, Earl of Dorset, Duke of Exeter.

Rot. Parl. 10 Hen. VI., Rot. Patent 11 Hen. VI., p. 1, m. 6, and Rot. Parl. 20 Hen. VI., creating Sir John Cornwall Baron Farnhope and Baron Milbrooke.

In reply to Lord Brougham.

The witness stated that he had not been directed to institute any further search than into the period to which the documents which he had handed in referred; but he believed that by Monday next it would be possible to inquire into the documents at the Rolls Chapel, which referred to peerage patents for life since the time of Edward IV.

The Lord Chancellor did not see the necessity of the documents being translated, but he wished to know how soon the papers would be prepared?

The witness said he believed by Monday next.

Lord Lyndhurst said that he wished to have some of his noble and learned friends associated with him in conducting the inquiry, and also to have the assistance of some learned

gentleman who was acquainted with the detail of inquiries of that character.

Lords Brougham and Campbell expressed their willingness to render every assistance to their noble and learned friend, and more especially with the view of expediting the progress of the inquiry.

The Earl of Derby said that the noble and learned Lord Chancellor relied upon certain precedents in support of his view of the case, and it would, he thought, tend to expedite the inquiry if that noble and learned lord would move for the production of those papers upon which he relied.

The Lord Chancellor moved to move for, inasmuch as the precedents upon which he relied were in the volume already printed.

Lord Lyndhurst admitted the desirability of expediting the enquiry as much as possible; but said that, in a question of this importance, their lordships were bound to take every step that was necessary to enable them to arrive at a right conclusion. They were not to put in a comparison with an important constitutional question of this kind the personal convenience of a particular individual, however respectable. He was sure that their lordships would concur with him that whatever time might be necessary to thoroughly investigate the subject would be properly employed in coming to a right conclusion upon it.

Lord Brougham agreed in wishing to expedite the inquiry, but warned their lordships against showing "more haste than good speed."

Lord Lyndhurst:—I think that the best thing we can do now is to adjourn to Monday next, at 2 o'clock.

Lord Campbell gave notice that he should move in the House that his right hon. friend should be heard before the committee by himself or counsel.

The Lord Chancellor:—If such a notion be made and carried, my noble and learned friend will respectfully decline to take any part in the proceedings. He considers, as I consider, that the whole question is *communis juris*. Without intending any disrespect to this House, he means to claim his right of admission by virtue of his patent, or by his writ alone. As he intends to take that course, so does he intend, respectfully, to decline the jurisdiction of this committee. He has never had any intimation that the matter has been referred by her Majesty to the House, and until he shall receive such intimation he will not recognise the right of the House to interfere.

Lord Campbell:—That may be a very proper declaration for the noble and learned lord to make; but it is no reason why we should act irregularly; and I shall therefore make the motion which I have given notice.

Earl Granville asked what would be the effect upon the public mind if the committee were now to adjourn for another week without any information being given of the course which they were about to adopt? After the evidence which had been taken, he was as much at a loss to know what course was to be taken as he was when the committee first met. At the same time he had no wish to oppose the adjournment.

The Earl of Ellenborough understood that the evidence which had been given at the bar was for the purpose of placing before their lordships facts on which they were to proceed; and it was impossible to go on until they had read those facts.

Earl Grey said that evidence had been called to prove facts which were admitted on both sides, and which no man could ever doubt or dispute. Having occupied themselves for an hour in proving that which every one knew, they were now to adjourn for a week to prove additional facts with which every one was equally familiar. What they wanted was some clear and definite issue brought before them. If their lordships were prepared to vote that the patent was illegal let them give notice to that effect; but let them not continue the present form of proceeding, which he was sorry to say had degenerated into something not very far from ridiculous. He submitted, if the committee were to be asked to do those things which he had asked the House to go into it was his duty to advise the House as to the course which it ought to adopt, and the ordinary plan would be to move a resolution on the subject.

The Earl of Derby observed that the question before the committee was perfectly clear: it was the validity of a patent purporting to convey to a commoner the right of sitting in their lordships' house, that patent being only for life. He reminded the noble earl (Grey) that the House was now called upon to proceed in a judicial capacity, and that they were not at liberty to take notice of matters of notoriety, but were bound to go to the evidence legally before them. If it should result from the evidence that there was no precedent in existence for the step which had been taken in the present case, he thought that it would go far to lead the committee to come to the conclusion that the recent exercise of prerogative was, to say the least of it, unconstitutional.

The Earl of Aberdeen, although entertaining opinions very similar to those of the noble and learned lord (Lyndhurst) with respect to the patent in question, felt strongly the inconvenience of appointing a Committee of Privileges, being convinced that it would lead to the difficulty in which it appeared already to have involved them. He had thought, from the first, that the appointment of a select committee for the purpose of examining the particular question was the only course likely to lead to a satisfactory conclusion; and it now appeared that their lordships had resolved to appoint what was equivalent to a select committee to inquire into it.

Lord Lyndhurst thought the direction of the committee was to examine, consider, and report upon the patent granted to Baron Parke. They were now examining; after they had examined they would consider; and then the result of that consideration would be reported to the House. To say they were not to investigate was absurd. How could they examine without hearing evidence? When it was said that they had brought this difficulty upon themselves by referring the patent to a Committee of Privileges, his reply was that if he had not moved for a Committee of Privileges precisely the same inquiry would have taken place at the bar of the House. He did not believe a single instance could be found in which the validity of a patent had not been discussed, either in the House itself or before a Committee of Privileges.

The Marquis of Clanricarde did not think that any inconvenience would result from the present mode of inquiry. If the House had taken the matter into its own hands it would have been necessary to collate the precedents bearing on the case, and to ascertain what they were worth. That was exactly the course which the committee was advised to pursue, and he really could not see what objections could be taken to it, especially when he recollected that in the debate on Thursday night the organs of the Government stated that one of their objects in granting a life peerage to Baron Parke was to raise the question.

Earl Granville denied having stated that a life peerage was granted to Baron Parke with a view to raise the question. In answer to the

argument urged on the other side, that this was a wanton exercise of the prerogative, he stated that a similar offer had been made to a learned and very distinguished judge, and he having declined it on the ground that he knew such a creation to be unpopular, the Government thought it a decided advantage that so eminent a man as Baron Parke should be the first to accept the dignity.

The Earl of Caernarvon regretted that the question had ever been raised, but a committee of privileges having been appointed, they were bound to proceed with the enquiry in the manner proposed.

The Lord Chancellor: It has been twice stated that Lord Wensleydale was selected in order to try the validity of a life peerage. It is impossible that I could have used such an expression, when I protest solemnly that, until the evening before the meeting of Parliament, I never heard a whisper as to the illegality of the proceeding. (Hear, hear.) I stated was, that if there were doubts in the mind of any gentleman as to the propriety of accepting such an honour, if it were supposed to be conferred either on account of his poverty, or because, having a large family, he might entail a poor posterity upon the House, the Government might congratulate itself on the selection of Lord Wensleydale, who was neither poor nor likely to entail any posterity at all upon the House. When my noble friend the Lord Chief Justice first spoke to me on this subject, which he did in a very friendly way on the first day of but did not express extreme doubt as to the policy of the measure, but, to be legal, he said he had not the least doubt on earth about it. (A laugh.)

Lord Campbell (with some warmth):—No, no! (Laughter.)

The Lord Chancellor:—I am sure that if my noble friend says so, I misunderstand him, but I protest most solemnly that he did say something which I understood in that sense.

Lord Campbell: Allow me to state what took place between my noble friend and myself. When I had the honour to attend his levee on the first day of term I told him that I had heard, but did not believe, that Baron Parke was to be called up to this House as a peer for life. He replied that it was quite true. "Well, then," said I, "I am sorry that I shall be obliged to make a row about it as soon as Parliament meets." (Laughter.)

Earl Granville: Admitting that the noble and learned lord has accurately described the conversation which he had with my noble and learned friend near me, and that he then thought the patent illegal, perhaps he will explain how he came to change his opinion. (A laugh.)

Lord Campbell: I am not aware that I have ever expressed any decided opinion one way or the other. In the debate the other night I frankly acknowledged that the impression upon my mind was, that peerages for life might legally be created.

My authority for that was Lord Coke; but I was not aware upon what the doctrine rested, nor was I acquainted with a single precedent upon one side or the other. When I found however, that there had been no such creation for 400 years, and that even beyond those 400 years no instance had been produced in which a commoner had sat in this House as a peer for life, the impression upon my mind was certainly weakened; and I have no hesitation in saying that, unless some such instance can be produced, I shall come to the opinion that it is beyond the prerogative of the Crown to create a peerage for life only. (Hear, hear.)

The Marquis of Clanricarde, after what had been stated by the President of the Council, must admit that he had misapprehended him; but, at the same time, it was a misapprehension which had been shared in by several other noble lords.

Lord Lyndhurst then moved, that any additional evidence he should prepare for being laid before the House should be printed, and ready to be laid on the table on Monday, in connexion with the evidence which he had already produced.

Lord Dunsannon expressed his belief that the creation which now occupied the attention of their lordships would pave the way to a complete annihilation of the dignity, consequence, and independence of their lordships' house. (Hear.)

The committee then adjourned till Monday, at two o'clock.

The House resumed, the Lord Chancellor on the woolsack.

Lord Campbell said he would now make the motion of which he had given notice, viz., that their lordships make an order, giving to his right hon. friend Baron Parke the opportunity to appear before the Committee of Privileges, if he so thought fit, either by himself or by counsel. If his right hon. friend should appear, he could take his seat on the woolsack and speak from thence.

The Lord Chancellor objected to the terms in which his noble and learned friend appeared disposed to issue the order, viz., to his right hon. friend, Baron Parke.

Lord Campbell did not mean to insinuate any opinion by this mode of expression.

The Lord Chancellor said, the order, if issued by the House, must be addressed to the right hon. James Baron Wensleydale. (Hear, hear.)

Noble and learned friend called in question the right of her Majesty to create him a baron for some purposes—the only question was, whether he gave him a right to sit in that House. (Hear, hear.)

The Earl of Derby had been struck with surprise to see the name of Baron Wensleydale on the Roll of their Lordships' House. Their lordships not having admitted the claim or right of that person to sit in the House, he called in question the propriety of his name being placed on the roll. He called their lordships' attention to the fact, in order that the title of Baron Wensleydale being on the roll of the House should not be held as a precedent, or be of any weight in this or any other case. (Hear, hear.)

Lord Redesdale said the roll was prepared by the clerk, and by no other authority.

Lord Brougham suggested that, under all the circumstances, it would be better for his noble and learned friend (Lord Campbell) not to press his motion now, but to give notice of it for another day.

Lord Campbell said, he would accept this suggestion, and named Thursday for the motion.

The Marquis of Lansdowne said it was impossible to admit any motion that would imply a doubt as to the title of Baron Wensleydale. It was the undoubted prerogative of the Crown to confer such a title. (Hear, hear.) His noble and learned friend (Lord Campbell) had grossly wronged his opinion—that in former years he believed her Majesty had the title, privilege, and authority to make such peerages as the present, but that, on looking into the authorities, he had altered the opinions he then held. Neither his noble and learned friend, however, nor any other noble and learned lord had, up to that moment, ventured to intimate a doubt as to whether her Majesty had or had not the right to confer any title and give right of

precedence. (Hear, hear.) He would be surprised, indeed, if his noble and learned friend should state that he had any doubt on the subject. (Hear, hear.)

But it could only be with a doubt on this subject that the House should be at all called to entertain the question. By all the authorities he had read, and in all the speeches he had listened to, it was admitted that her Majesty had the right—a right supported by a cloud of witnesses—to confer titles of precedence. (Hear, hear.)

The question arose only when the person upon whom her Majesty had thought fit to confer a title presented himself to be admitted into their lordships' house. Baron Parke would appear in that house as Lord Wensleydale; made Lord Wensleydale by Her Majesty; entitled to precedence as Lord Wensleydale; a precedence of which their lordships, with all their committees, and all their reports, could not legally deprive him. (Hear, hear.)

Lord Redesdale hoped his noble and learned friend would not persevere in his motion, that Lord Wensleydale should be himself heard before their lordships' House. There was a precedent in the case of the Duke of Hamilton, when the Brandon peerage was claimed, and when the House resolved to hear the claimant by his counsel. He (Lord Redesdale) thought it impossible that Lord Wensleydale should himself be heard, for he could not conceive in what capacity he could appear before their lordships, or where he was to take his place. A noble lord had suggested that Lord Wensleydale might be heard from the woolsack; but he was no longer a judge, and he had no right to address their lordships as a peer until he had taken his seat. Lord Wensleydale could not act as a peer without subjecting himself to heavy penalties, and he (Lord Redesdale) did not think it decorous that he should appear at the bar. In his (Lord Redesdale's) opinion, the better course would be to adhere to the precedent he had mentioned.

The Earl of Aberdeen thought the case of the Duke of Hamilton did not apply to that under discussion, for, as the Duke of Hamilton was one of the sixteen peers of Scotland, he was entitled to appear in his place and address their lordships.

Lord Campbell said he was ready to amend his motion, and he proposed "that the right hon. Baron Wensleydale may be heard by his counsel before the committee of this House." (Hear, hear.)

The Lord Chancellor put the motion in these terms:—That at the Committee of Privileges on Monday next the right hon. Baron Wensleydale be allowed to attend by his counsel, if he shall think fit.

The motion was agreed to, and the Committee adjourned at a few minutes before 4 o'clock.

THE RESOURCES OF THE BRITISH EMPIRE.

(From the Economist, February 9.)

On the opening of the Session of Parliament, the Queen's speech contained the following impressive words:—"The resources of my empire remain unimpaired." This was at the conclusion of two years of war, during which the expenditure of our military departments exceeded *seventy millions sterling*. But whether we refer to the financial or commercial condition of the country, this truth is fully borne out.

It is with regard to the former of these two great elements of national prosperity that we propose to make some observations, because it appears not only from the language of the press, but from reports which are generally circulated, that the true results of the balance sheet which was published a few days ago, have been much misunderstood and misrepresented. A cursory view of the accounts of the year has left an impression with many that there is a deficiency of income as compared with expenditure of no less than £21,141,182, and it has been consequently concluded that a large loan exceeding that amount would necessarily be made forthwith, in order, first, to pay this deficiency, and next, to defray the accruing deficiency of the current quarter. This assumption is based upon an entire misconception. In another place we publish the balance sheet as presented to Parliament; by reference to which it will be seen that the accounts are divided into two parts:—the first showing the income of the year from all sources of revenue, and the entire expenditure under all heads whatever. By this account it is shown that the entire proceeds, from all the ordinary branches of revenue, were £63,364,605, while the entire expenditure of the year was as follows:—

For interest and charge upon the debt £27,647,899

For charges on the Consolidated Fund 1,734,705

For army, navy, and ordnance 48,392,067

For miscellaneous civil services 6,741,126

For miscellaneous civil services 4,812,126

Total £89,937,937

Now, it is quite true that this account exhibits a deficiency in the income from ordinary sources upon the entire expenditure of £21,141,182; but if the second account is referred to, there is a statement of the balances in the Exchequer, and which includes all the other payments into and out of the Exchequer, it will be found that against this apparent deficiency is to be placed not only the sixteen millions loan of last year, but also the grant of £7,000,000 of Exchequer bills made in the last session towards the expenditure of the year. In respect to the loan of £18,000,000 it will be observed that the whole has been paid into the Exchequer. With respect to the Exchequer bills of £7,000,000 it will be seen that only one-half or £3,500,000 has been received for the public use; and that in point of fact, after taking into account the deficiency of £21,141,182, which figures in the account, it appears that there was a balance left in the Exchequer on the 31st of December of £3,688,000 instead of the assumed deficiency. To take the material items out of each account, and to state them in a simple form, will give the following result:—

INCOME FROM ALL SOURCES.

1 Ordinary revenue £63,364,605

2 Proceeds of the £10,000,000 loan 15,992,200

3 Proceeds of the Exchequer bills payable in 1857 407,992

4 Proceeds of part of the grant of £7,000,000 Exchequer bills 3,500,000

Total income £83,264,797

EXPENDITURE UNDER ALL HEADS.

1 Interest and charge upon the debt £27,647,899

2 Charges on the Consolidated Fund 1,734,705

3 Army, navy, and ordnance 48,392,067

4 Miscellaneous civil services 6,741,126

5 Interest on donations and bequests 19,537

6 Paid off Exchequer bills 86,400

7 Advances on public works, less repayments 982,973

Total expenditure £89,937,937

These figures show a deficiency in the actual payments into the Exchequer within the year, compared with the payments out of it, of £23,327,910;—but inasmuch as there was at the commencement of the year a balance of £6,015,612 in the Exchequer, there remained an actual balance on the 31st of December last amounting to £3,688,004;—and besides this, a balance of Exchequer bills granted in the last Session for the services of the year, still un-

sued, amounting to £3,500,000. So that in point of fact, the provision for the year up to that period, had proved fully adequate for the expenditure of the year.

Mr. John Borthwick seconded the resolution. The want of such a vessel was a great desideratum. He said that the vessel was an old one, but it was a good one, and it was a good one. He said that the vessel was an old one, but it was a good one, and it was a good one. He said that the vessel was an old one, but it was a good one, and it was a good one.

Mr. Borthwick moved: That the directors be requested to obtain such a vessel, and to be authorized to appropriate a portion of the funds for the purchase of such a vessel. He said that the vessel was an old one, but it was a good one, and it was a good one. He said that the vessel was an old one, but it was a good one, and it was a good one.

THE W.A.R.

THE Editor of the Sydney Morning Herald. Sir, Since the commencement of the war the allies have in good faith counted upon Austrian assistance, but their expectations, up to the present time, have proved delusive. The people of England have consequently been at a loss to understand why Austria has been so far from doing what she has done. The people of England have consequently been at a loss to understand why Austria has been so far from doing what she has done.

The Hungarian portion of the Austrians, well known for its superiority both in regard to numbers and to the quality of its arms, has thus become a "double-edged sword." It is a sword which is not to be forgotten that Hungary, during her recent struggle for independence, with no other resources but her own, and entirely out of all communication with the rest of the world, has been able to maintain her independence for a long time, and has been able to maintain her independence for a long time.

At about 10 o'clock, a large number of people were seen to be gathered in the street. They were seen to be gathered in the street. They were seen to be gathered in the street. They were seen to be gathered in the street. They were seen to be gathered in the street.

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PAROCHIAL ASSOCIATIONS.

THE Editor of the Sydney Morning Herald. Sir, Will you allow me, through the agency of your paper, to express my sincere thanks to the Parochial Association of Balmain, an association which has been formed in this parish, with its pastor as chairman, and its secretary, treasurer, and committee of four.

The objects of the association are briefly these: to further the pastor's efficiency by every means, to co-operate with him in his labours, to disseminate and work every facility and desirable plan for church-extension; to forward education, whether by schools, libraries, or classes; to tend the poor, and to bequeath to the sick and dying; and to raise money for one and all these objects.

I have the gratification of being present at the annual meeting of the Parochial Association of Balmain, an association which has been formed in this parish, with its pastor as chairman, and its secretary, treasurer, and committee of four.

After justifying himself, Mr. Pariah, whose letter is

The great want of more of the lay element in our government would be supplied, and there would be more interested individual exertion; with such associations your most sensitive and retiring members could express their opinions—A voice would be raised in favour of good which would be a voice in favour of good which would be a voice in favour of good.

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FOREIGN INTELLIGENCE.

HAMBURG, February 10.—By an order of the day dated February 10, Prince Gorchakoff, Commander in Chief of the Russian Army, has appointed Count von Pahlen, a distinguished Russian soldier, and Imperial Lieutenant of Poland, to the command of the Russian Army in the North.

BRASIL.

THE Daily News correspondent, writing from Rio de Janeiro, on the 14th January, says:—The Emperor has issued a decree, by which the Emperor has issued a decree, by which the Emperor has issued a decree, by which the Emperor has issued a decree.

After the sailing of the Tay our office remained quiet until the end of the month, when the Portuguese packet arrived with favourable advices from the Emperor's court. The Emperor's court is now in a state of great excitement, and the Emperor's court is now in a state of great excitement.

THE PLATE.

The State of Buenos Aires is now more harassed by the incursions of predatory Indians, and more harassed by the incursions of predatory Indians, and more harassed by the incursions of predatory Indians, and more harassed by the incursions of predatory Indians.

On the 3rd of January the Governor of Buenos Aires received word that the Indians in great force had marched to the camp of the Argentine army, and had marched to the camp of the Argentine army, and had marched to the camp of the Argentine army.

After justifying himself, Mr. Pariah, whose letter is

throughout of a vivacious character, "expresses his Excellency will be pleased to avoid such a course of correspondence in future."

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for Brazil. The French steamer, *Conseil*, has sailed, and the French steamer, *Broutin*, has sailed, and the French steamer, *Broutin*, has sailed, and the French steamer, *Broutin*, has sailed.

MERCANTILE AND MONEY ARTICLE.

THE return of the Customs Revenue for the port of Sydney, for the week ending to-day (April 19):—

Brandy	£1,000 10 0
Wine	1,250 10 0
Whisky	1,250 10 0
Port	1,250 10 0
Tea	1,250 10 0
Sugar	1,250 10 0
Coffee	1,250 10 0
Spices	1,250 10 0
Other	1,250 10 0
Total	£6,400 10 0

This shows an increase on the preceding week of £381 18s. 6d.

Messrs. Frith and Payten held yesterday a large sale of Eastern produce. The attendance of buyers was small. The tea and sugar were withdrawn; the other articles fetched remunerative prices.

Mr. W. Rush sold a large invoice of boots and shoes yesterday, at his Mart, at a considerable advance on invoice prices.

There have been no sales to-day, either privately or by auction, worthy of notice.

The adjourned General Meeting of the Sydney Chamber of Commerce takes place on Monday (to-day), when the discussion upon the select committee's report as to the Insolvent Laws will be resumed.

In our Correspondent's letter which appeared in our issue of Saturday, mention is made of the Bill to Amend the Law of Partnership, brought into the House of Commons by Mr. Lowe. The *Economist*, of February 9th, contains the following article on the subject:—

Our readers will be ready to admit that the session has begun with a new and important bill introduced, one to amend the law of partnership, another for the regulation of joint-stock companies, and a third for the regulation of the law of bankruptcy. These bills are of great importance, and they are of great importance.

The first, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The second, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The third, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The fourth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The fifth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The sixth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The seventh, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The eighth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The ninth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The tenth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The eleventh, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The twelfth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The thirteenth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The fourteenth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The fifteenth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The sixteenth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

The seventeenth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

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The twentieth, which came so unexpectedly upon us last week, has completely surprised the public, and it is a bill which is of great importance, and it is a bill which is of great importance.

of labour for the numerous buildings, works, roads, railways, &c., now in progress or projected. We shall probably attract considerable supplies of labour from the neighbouring colonies, and the balance of immigration has, for some time, as regards them, been considerably in favour of this colony. It is self-evident that this source of supply must be totally inadequate for the growing and almost insatiable demand.

A new and better system for procuring immigration is the grand necessity of this country, and we earnestly trust that all friends of the colony in England will do their utmost to assist us in this great object.

We have to report favourably in general of our markets, and there will be no fear of a material rise in prices, so long as the weather continues to be favourable. There is a demand for wheat and flour, and the market is well supplied. The market for sugar is also well supplied, and the price is steady.

The following is taken from the Mauritius Overland Commercial Gazette, of the 21st of February:—

Stamps.—Before the mail came in on the 17th, there was a certain extent of business done at the quotations we publish below. The market for sugar is also well supplied, and the price is steady.

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CHATTO and HUGHES have received instructions to sell by auction, at their Sale Rooms, 243, George-street, THIS DAY, the 21st instant, at 11 o'clock.

48 invoices of seasonable goods, viz.,
Superior water-tights
Gents' elastic side boots
Gent's calf walling tongs
Thick boots
Patent shoes
Knee boots, &c., &c.

Terms at sale.

THIS DAY, Monday
To close a consignment account.

CHATTO and HUGHES have received instructions to sell by auction, at their Sale Rooms, 243, George-street, THIS DAY, the 21st instant, at 11 o'clock.

Sundry goods, for the purpose of closing a consignment account, viz.,
Bronze figures
Brass ornaments
Cane chairs
Pictorial
Oil paintings
Leu de Cologne
Eau de Cologne
Launder water, &c., &c.

Terms at sale.

60th Day of Sale, TUESDAY, 22nd instant.

CHATTO and HUGHES have received instructions to sell by auction, at their Sale Rooms, 243, George-street, on TUESDAY, the 22nd instant, at 11 o'clock.

18 packages superior shirts, viz.,
5 cases gents' super shirts, washed, &c.
4 cases regatta shirts
4 bales Scotch twill shirts
5 cases boys' and youths' shirts.

Terms at sale.

Day of Sale, TUESDAY, 22nd instant.

Silver's Superior Waterproof Clothing.
To Drapers, Clothiers, and the Trade.

CHATTO and HUGHES have received instructions from the importer to sell by auction, at their Sale Rooms, 243, George-street, on TUESDAY, the 22nd instant, at 11 o'clock.

812 cases Silver's best waterproof clothing, &c., &c.
Men's alpaca and imperial reversible coats
Imperial weather hats
Men's impervious leggings
Ditto stout and fine ditto
Single and double water boots
Dish air cushions
Gents' black impervious driving capes
Ditto extra light
Ditto driving coats
Florentine air beds and inflating bellows
Impervious storm caps
Helmets and sou'westers, &c., &c.

Terms at sale.

TUESDAY, 22nd instant.

Hosiery, Neckties.

CHATTO and HUGHES have received instructions to sell by auction, at their Sale Rooms, 243, George-street, on TUESDAY, the 22nd instant, at 11 o'clock.

3 cases assorted hosiery
2 ditto neckties, arms, &c.

Terms at sale.

On account of those concerned.

Prime Irish Pork.
To Shipowners, Outfitters, and others.

CHATTO and HUGHES have received instructions to sell by auction, at their Sale Rooms, 243, George-street, on WEDNESDAY, the 23rd instant, at 11 o'clock.

On account of whomsoever concerned,
25 casks prime Irish pork.

Terms at sale.

Day of Sale—TUESDAY, 22nd instant.

40 Packages Seasonable Goods.
To Drapers, Buyers for Melbourne, and others.

CHATTO and HUGHES have received instructions to sell by auction, at their Sale Rooms, 243, George-street, on TUESDAY, the 22nd instant, at 11 o'clock.

40 cases and bales seasonable goods, comprising
3 bales boys' and youths' Scotch twill shirts
3 cases boys' and youths' white long cloth shirts
4 cases gents' superior regatta shirts, washed and boxed
3 bales men's regatta
3 bales Scotch twill shirts. Also,
Blacked clothing
Blacked shirt
Blacked duck
Flannels
Regatta and white shirts
Washed police
Artificial flowers
Corsetted shirts
Semi-dressed polka
Pale pink muslin
Striped and check muslins
Hosiery
Ribbon
Cashmere dresses
Balm-balm handkerchiefs
Korahs
Habit shirts
Collars and gloves
Hosiery, &c., &c.

Terms at sale.

CROWN LANDS' SALE.—At eleven o'clock of TUESDAY, the 22nd day of APRIL, the following Town and Suburban Lots of Land will be offered for sale by public auction, at the Land Sales' Room, Colonial Treasury, Macquarie-street, Sydney, at the usual price offered to each lot respectively. Deposit to be paid.

COUNTY OF CUMBERLAND.

No.	Place.	Acres.	Value.	Improvements.
1	Village of Narrabri	30	£ 2 12 6	20
2	Same place	30	£ 2 12 6	20
3	Same place	30	£ 2 12 6	20
4	Same place	30	£ 2 12 6	20
5	Same place	30	£ 2 12 6	20
6	Same place	30	£ 2 12 6	20
7	Same place	30	£ 2 12 6	20
8	Same place	30	£ 2 12 6	20
9	Same place	30	£ 2 12 6	20
10	Same place	30	£ 2 12 6	20
11	Same place	30	£ 2 12 6	20
12	Same place	30	£ 2 12 6	20
13	Same place	30	£ 2 12 6	20
14	Same place	30	£ 2 12 6	20
15	Same place	30	£ 2 12 6	20
16	Same place	30	£ 2 12 6	20
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59	Same place	30	£ 2 12 6	20
60	Same place	30	£ 2 12 6	20
61	Same place	30	£ 2 12 6	20
62	Same place	30	£	

